

MICHAEL N. FEUER, City Attorney, SBN 111529
MARY CLARE MOLITOR, Chief, Criminal & Special Lit., Branch, SBN 82404
TINA HESS, Deputy Chief, Safe Neighborhoods & Gang Division, SBN 14399
JONATHAN CRISTALL, Supervising Assistant City Attorney, SBN 191935
LIORA FORMAN-ECHOLS, Deputy City Attorney, SBN 184135
JENNIFER VARELA, Deputy City Attorney, SBN 216189
200 North Main Street, Room 966
Los Angeles, California 90012
Telephone: (213) 978-4090
Fax: (213) 978-8717
E-Mail: jennifer.varela@lacity.org

INFORMED COPY
ORIGINAL FILED
Superior Court Of California
County Of Los Angeles

SEP 06 2017

Sherri R. Carter, Executive Officer/Clerk
By: Charlie L. Coleman, Deputy

Attorneys for Plaintiff

NO FEE – GOV'T CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

ESTHER M. OREGON, an individual; MANUEL
OREGON MARTINEZ also known as "SNEEKS,"
an individual; and DOES 1 through 50, inclusive,

Defendants.

Case No.: **BC 6 7 4 7 2 8**

**COMPLAINT FOR ABATEMENT AND
INJUNCTION**

[CIVIL CODE SECTION 3479, ET
SEQ.]

[Unlimited Action]

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action (the "Action") is brought and prosecuted by Plaintiff, the People of the State of California (the "People" or the "Plaintiff"), for the purpose of abating and enjoining a dangerous and volatile gang-related public nuisance existing at a triplex located at 2303, 2303 ¼ and 2303 ½ Sheridan Street, Los Angeles, CA, 90033 (the "Property"). The Property has been owned by Esther M. Oregon, an individual ("Defendant Oregon"), since 2008. Throughout that time, the Property has been the headquarters for the State Street Locos

1 criminal street gang ("State Street"), with five gang-related shootings occurring there.
2 Additionally, three firearms, including an assault rifle, have been recovered at the Property and
3 four gang members arrested there. The Property is perilously close to Sheridan Street
4 Elementary School, which is located directly across the street, only 59 feet away from the
5 Property. The Property has a reputation amongst law enforcement and the community as a
6 major hub for State Street where gang-related nuisance activity regularly occurs and where
7 rival gangs go to look for retribution.

8 2. Gang shootings are typically underreported due to fear and intimidation of law
9 abiding citizens by gang members, so in all likelihood the number of shootings is far higher
10 than the five documented incidents. The last such reported shooting incident occurred on April
11 1, 2017, in which a documented State Street gang member and Property resident was shot
12 while "hanging out" in the driveway of the residence.

13 3. The gang activity occurring at the Property is tied to several State Street gang
14 members residing there. Defendant Oregon's grandson, Defendant Manuel Oregon Martinez
15 aka "Sneeks" ("Defendant Martinez"), is an influential member of the State Street gang.
16 Defendant Martinez lives at the Property and attracts and invites other gang members there.
17 Another influential State Street member who lives at the Property is Andy Gomez aka "Brown".
18 He is another grandson of Defendant Oregon. In a July 27, 2015 shooting at the Property,
19 Gomez returned fire on rival gang members with a handgun while standing in the driveway of
20 the Property.

21 4. Prosecutors have filed this nuisance abatement action in order to intervene
22 before a life is claimed by this gang-related gunfire and other associated gang-violence. This
23 Action is intended to rectify the unacceptable state of affairs at the Property, to halt the gang
24 activity at the Property, and to ensure that the residents of the surrounding community and the
25 residents at the Property, including Defendant Oregon, have a safe and nuisance-free place to
26 live.

1

2

3

1

1

1

1 fictitious names. When the true names and capacities of said defendants have been
2 ascertained, the Plaintiff will ask leave of the Court to amend this complaint and to insert in lieu
3 of such fictitious names the true names and capacities of said fictitiously named defendants.

4 **C. The Property**

5 10. The Property is a triplex located in the City and County of Los Angeles legally
6 described as: "Lot 15 of J.W. Browning's Subdivision of Lot 1 of F.O. Wilkinson's Subdivision
7 of Lot 1, Block 61 of Hancock's Survey, in the City of Los Angeles, County of Los Angeles,
8 State of California as per Map Recorded in Book 6, Page 306 of Miscellaneous Records, in the
9 Office of the County Recorder of Said County." The Los Angeles County Assessor's Parcel
10 Number for the Property is 5175-007-015. The Property consists of a front house (2303
11 Sheridan Street) and a rear converted garage with two units (2303 ¼ and 2303 ½ Sheridan
12 Street). The front house and converted garage are separated by the backyard and an
13 approximately four foot high chain link fence surrounds the entire property. A photograph of
14 the Property and its close proximity to Sheridan Street Elementary School is attached hereto
15 as Exhibit 1.

16 **III. THE PUBLIC NUISANCE LAW**

17 11. The PNL, Civil Code section 3479, defines a public nuisance as "[a]nything which
18 is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is
19 indecent or offensive to the senses, or an obstruction to the free use of property, so as to
20 interfere with the comfortable enjoyment of life or property...." (See *City of Bakersfield v. Miller*
21 (1966) 64 Cal.2d 93, 99 ["The Legislature has defined in general terms the word 'nuisance' in
22 Civil Code section 3479. . . ."].)

23 12. Civil Code section 3480 defines a public nuisance as "one which affects at the
24 same time an entire community or neighborhood, or any considerable number of persons,
25 although the extent of the annoyance or damage inflicted upon individuals may be unequal."
26 Civil Code section 3491 provides the methods by which public nuisances such as those
27 alleged herein may be abated.
28

1 13. The case law is "replete with examples" of the "threat violent street gangs...pose
2 to the safety of peaceful Californians." (*Castaneda v. Olsher* (2007) 41 Cal.4th 1205, 1216.) In
3 a case involving gang-related gunfire similar to what is occurring at the Property here, the
4 California Supreme Court explicitly recognized that "[s]treet gang activity can often subject"
5 innocent bystanders "to unacceptable levels of risk." (*Id.*) In *Medina v. Hillshore Partners*
6 (1995) 40 Cal.App.4th 477, 486, involving a wrongful death claim by the mother of a young man
7 shot by gang members, the Court said, "We agree that the congregation of gangs poses a
8 foreseeable risk of harm to the public." In particular, the whole spectrum of typical street gang
9 conduct, ranging from loitering, to public drinking and boisterousness, to drug dealing, to
10 gunfire, has been held to "easily meet the statutory standard" for a public nuisance under Civil
11 Code section 3479. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

12 14. Civil Code section 3491 states that the "remedies against a public nuisance are
13 indictment or information, a civil action or abatement." Abatement is "accomplished by a court
14 of equity by means of an injunction proper and suitable to the facts of each case." (*Sullivan v.*
15 *Royer* (1887) 72 Cal. 248, 249.)

16 15. Code of Civil Procedure section 731 authorizes a city attorney to bring an
17 action to enjoin or abate a public nuisance. It provides, in relevant part, "[a] civil action may be
18 brought in the name of the people of the State of California to abate a public nuisance . . . by
19 the city attorney of any town or city in which such nuisance exists."

20 16. "[S]trict liability for nuisance historically attends the possession and control of
21 land." (*Leslie Salt Co. v. San Francisco Bay Conservation and Development Commission*
22 (1984) 153 Cal.App.3d 605, 618 n. 15 & 619). "It is immaterial whether the acts" of the
23 persons sought to be held liable for a nuisance "be considered willful or negligent; the essential
24 fact is that, whatever be the cause, the result is a nuisance." (*Snow v. Marian Realty Company*
25 (1931) 212 Cal. 622, 625-26; see also *Sturges v. Charles L. Harney, Inc.* (1958) 165
26 Cal.App.2d 306, 318 ["a nuisance and liability therefore may exist without negligence"]; *People*
27 *v. McCadden* (1920) 48 Cal.App. 790, 792 ["A judgment supported on findings that such
28 nuisance was conducted and maintained on the premises in question, regardless of the

1 knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is
2 unnecessary."].) This strict standard is because "the object of the act is not to punish; its
3 purpose is to effect a reformation of the property itself." (*People v. Bayside Land Co.* (1920) 48
4 Cal.App. 257, 261.)

5 **IV. FIRST CAUSE OF ACTION FOR PUBLIC NUISANCE**

6 **[Civil Code section 3479, et seq. --**

7 **Against Defendants and DOES 1 through 50]**

8 17. Plaintiff incorporates by reference Paragraphs 1 through 16 of this Complaint and
9 makes them part of this First Cause of Action as though fully set forth herein.

10 18. From an exact date unknown, but at least since 2008, through the present time,
11 Defendants, and DOES 1 through 50, have alternately owned, operated, managed, and used,
12 and/or directly or indirectly permitted to be occupied and used, the Property in such a manner
13 as to constitute a public nuisance in accordance with Civil Code sections 3479 and 3480. The
14 public nuisance activity consists of, but is not limited to, the presence of illegal firearms;
15 shootings; assaults with deadly weapons; the threatening and disorderly presence of gang
16 members; and the tendency of the Property to attract gunfire from rival gangs because of the
17 historical and current presence of gang members at the Property. This public nuisance activity
18 is injurious to health, indecent or offensive to the senses, and/or an obstruction to the free use
19 of property, so as to substantially and unreasonably interfere with the comfortable enjoyment
20 of life or property by those persons living in the surrounding community.

21 19. Defendants, and DOES 1 through 50, in owning, conducting, maintaining, and/or
22 permitting the use of the Property, directly or indirectly, as a public nuisance, have caused a
23 serious threat to the general health, safety, and welfare of the law-abiding tenants at the
24 Property and persons in the area surrounding the Property.

25 20. Unless Defendants, and DOES 1 through 50, are restrained and enjoined by
26 order of this Court, they will continue to use, occupy, and maintain, and to aid, abet, or permit,
27 directly or indirectly, the use, occupation, and maintenance of the Property, together with the
28 fixtures and appurtenances located therein, for the purpose complained of herein, to the great

1 and irreparable damage of Plaintiff and in violation of California law.

2 **V. PRAYER**

3 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
4 **DECREE AS FOLLOWS:**

5 **AS TO THE FIRST CAUSE OF ACTION**

6 **AS TO DEFENDANTS and DOES 1 through 50:**

7 1. That the Property, together with the fixtures and moveable property therein and
8 thereon, be declared a public nuisance and be permanently abated as such in accordance with
9 Civil Code section 3491.

10 2. That each Defendant, and any agents, officers, employees, and anyone acting
11 on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from
12 operating, conducting, using, occupying, or in any way permitting the use of the Property as a
13 public nuisance. Such orders should include, but not be limited to physical and managerial
14 improvements to the Property and such other orders as are appropriate to remedy the
15 nuisance on the Property and enhance the abatement process.

16 3. That the Court grant a preliminary and/or permanent injunction requiring
17 Defendant Martinez, as well as other gang members, and Does 1 through 50 to stay up to
18 1000 feet away from the Property.

19 4. That Plaintiff be awarded such costs as may occur in abating said nuisance at the
20 Property and such other costs as the Court shall deem just and proper.

21 5. That Plaintiff be granted such other and further relief as the Court deems just and
22 proper, including closure and/or demolition of the Property.

23 6. That Plaintiff recover the amount of the filing fees and the amount of the fee for
24 the service of process or notices that would have been paid but for Government Code section
25 6103.5, designating it as such. The fees may, at the Court's discretion, include the amount of
26 the fees for certifying and preparing transcripts.

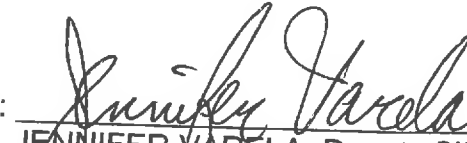
1 7. That Plaintiff be granted such other and further relief as the Court deems just and
2 proper.

3
4 DATED: September 6, 2017

Respectfully submitted,

5 MICHAEL N. FEUER, City Attorney
6 JONATHAN CRISTALL, Supervising Assistant City Attorney

7
8
9 By:



JENNIFER VARELA, Deputy City Attorney
Attorneys for Plaintiff, THE PEOPLE OF THE STATE
OF CALIFORNIA

EXHIBIT 1

